



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 11, 1996

Ms. Judith Hunter
Paralegal
City Attorney's Office
P.O. Box 409
Georgetown, Texas 78626

OR96-1121

Dear Ms. Hunter:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 40190.

The City of Georgetown (the "city") received an open records request for the following information:

the police department's daily dispatch logs, which may also be known as radio logs, radio cards or other name(s) used to describe the police department's records relating to all calls answered by the police department in each daily 24 hour period.

As a result of this open records request, you sought a decision from this office seeking to withhold, pursuant to the "informer's privilege," as incorporated into section 552.101 of the Government Code, portions of the requested radio logs not otherwise held to be public in Open Records Decision No. 394 (1983).¹ Specifically, you sought to withhold, pursuant to the informer's privilege, the name, address, telephone number, and any other information that would disclose the identity of any "complainant" who reports a violation of the law. See generally *Roviaro v. United States*, 353 U.S. 53, 59 (1957).

¹The city also had outside counsel submit other arguments to supplement your contentions regarding the applicability of the informer's privilege.

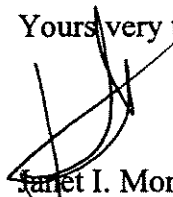
Subsequent to the city's submission of its legal briefs to this office, however, the requestor narrowed his request to include only those portions of the daily radio logs "relating to the specific location of automobile traffic accident investigations . . . together with the identity of the individual parties involved in such accidents." In light of the requestor's clarification of his open records request, this office has determined that your request for an open records decision regarding the applicability of the informer's privilege to the documents at issue is moot: none of the information at issue involves an individual's report of a "violation of the law" but rather pertains solely to the incidence of traffic accidents. Accordingly, the city may not withhold any of the requested information pursuant to the informer's privilege.

Finally, in a telephone conversation with this office, Assistant City Attorney Sheree Rabe suggested that it might be appropriate for this office to address in its ruling to the city the extent to which the information at issue is deemed confidential under recent amendments to section 47 of article 6701d, V.T.C.S., because previous rulings issued by this office to other governmental bodies regarding this issue are not binding on the city.

In the recent legislative session, the legislature, in House Bill 391, amended article 6701d, V.T.C.S., to provide that a law enforcement agency employing a peace officer who made an accident report is required to release a copy of the report on request to, among others, a person who provides the law enforcement agency with two or more of the following: (1) the date of the accident, (2) the name of any person involved in the accident, or (3) the specific location of the accident. Act of May 27, 1995, 74th Leg., R.S., ch. 894, § 1, 1995 Tex. Sess. Law Serv. 4413. This act, however, applies only to "accident reports" required by article 6701d, V.T.C.S., or by article 6701h, V.T.C.S. Because the requested "daily radio logs" do not fall within the definition of "accident reports" that are addressed in House Bill 391, this law does not apply to the requested information. Therefore, the city may not withhold the requested information under section 552.101 of the Government Code.

Because you have raised no other argument for non-disclosure, the city must release the requested traffic accident information in its entirety. We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,


Janet I. Monteros
Assistant Attorney General
Open Records Division

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Ref.: ID# 40190

Enclosures: Submitted documents

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(w/o enclosures)